

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DANIEL RIVERA,

Plaintiff, : Index No.: 16-CV-7552

-against-

HOME DEPOT U.S.A., INC.,

Defendant.

X

HOME DEPOT U.S.A., INC.,

Third-Party Plaintiff,

-against-

BRYAN'S HOME IMPROVEMENT CORP.,

Third-Party Defendant.

X

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that on the \_\_\_\_ day of May, 2018, at \_\_\_\_ a.m. or as soon thereafter as counsel may be heard, attorneys for defendant/third-party plaintiff HOME DEPOT U.S.A., INC. ("HOME DEPOT"), shall move, before the Honorable Judge Katherine B. Forrest, U.S.D.J., United State Courthouse, , 500 Pearl Street, New York, New York, 100007, pursuant to Federal Rules of Civil Procedure ("FRCP") Section 62, for an order granting defendant/third party plaintiff a stay from the enforcement of the judgment entered on May 4, 2018, without the requisite supersedesas bond., and such other and further relief as the Court may deem just and proper.

**PLEASE TAKE FUTHER NOTICE** that in support of this motion, HOME DEPOT shall rely upon this Notice of Motion, Memorandum of Law in Support of Defendant/Third-party Plaintiff Home Depot U.S.A., Inc.'s motion and the affidavit in support of the motion for a Stay of Execution or any proceedings to enforce the Judgment pursuant to FRCP Rule 62.

**PLEASE TAKE FURTHER NOTICE** that counsel for HOME DEPOT hereby requests oral argument.

Dated: New York, New York  
May 18, 2018

Respectfully submitted,

D'AMATO & LYNCH, LLP

By:

  
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